

DAVID F. OWEN

IBLA 79-593

Decided January 14, 1980

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneous noncompetitive lease offer NM 37613 (OK).

Reversed.

1. Oil and Gas Leases: Applications: Generally

Where a simultaneous noncompetitive oil and gas offer is filed by an applicant whose address of record is in Oklahoma City, Oklahoma, writes the word "Oklahoma" on the line on the DEC designated by preprinted word as "City" and incorporates the preprinted word "City" as part of this address, it is improper to reject the DEC as not being fully executed.

APPEARANCES: David F. Owen, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

The simultaneous, noncompetitive drawing entry card lease offer of David F. Owen was drawn with first priority in the May 1979 drawing for parcel NM-841 in the New Mexico State Office, Bureau of Land Management (BLM). On August 9, 1979, BLM issued a decision rejecting this offer, holding that it was not fully executed by Owen as required by 43 CFR 3112.2-1, in that he failed to complete the name of the city on the entry card. Owen (appellant) has appealed from this decision.

Appellant's address of record is in Oklahoma City, Oklahoma. On his drawing entry card he placed "Oklahoma OK" on the line designated by preprinted words on the form as being for "City" and "State." He placed the written word "Oklahoma" so that it is directly above the preprinted word "City" on the form, so that he incorporated the latter word as part of his address. Appellant explains that he did not write the word "City" on the card himself because it was already printed there.

We agree that appellant adequately described his address on the card, despite the fact that he did not write the word "City" himself, but instead incorporated the preprinted word "City" on the form as part of his address. It is evident from the card that appellant's address is in Oklahoma City, owing to the presence of the preprinted, capitalized word "City" directly below the written word "Oklahoma." Accordingly, we disagree with BLM that appellant's card was not fully executed as required by regulation. The case cited by BLM in support of its holding, Herbert W. Schollmeyer, 25 IBLA 393 (1976), concerning a case where the card was neither signed nor dated, is not in point.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing
Administrative Judge

We concur:

Anne Poindexter Lewis
Administrative Judge

Newton Frishberg
Chief Administrative Judge

